

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2249 - SB 3465

February 25, 2012

SUMMARY OF BILL: Adds a sentencing enhancement factor for an adult defendant who involves children under the age of 13 in the commission of a crime.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$26,400/Incarceration*

Assumptions:

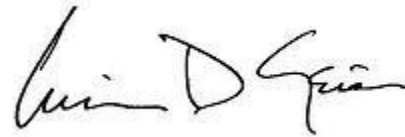
- Currently, if it is appropriate for the offense and is not already an essential element of the offense, the court may, within the sentencing guidelines, impose a longer sentence if one or more enhancement factors apply.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- The Department of Correction (DOC) assumes the court will impose a longer sentence within the applicable range than would otherwise have been imposed. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one Class E, one Class D, and one Class C sentence increasing every five years. Class A and Class B felonies are assumed to already be serving within the applicable sentencing range with enhanced sentences.
- According to DOC, the average operating cost per offender per day for calendar year 2012 is \$61.36. The average post-conviction time served for a Class E felony is 1.28 years (467.52 days). According to the 1999-2000 Sentencing Matrix, the maximum sentence for Standard Range I, Class E offenses is two years. One Class E offender every five years will serve an additional 0.72 years (2.0 years – 1.28 years) as a result of this bill. The additional cost of increasing the average sentence length by 0.72 years (262.98 days) is \$16,136.45 (\$61.36 x 262.98 days). The annualized operating cost per offender is \$3,227.29 (0.20 annual number of sentences enhanced x \$16,136.45).
- The average post-conviction time served for a Class D felony is 1.86 years (679.37 days). According to the Matrix, the maximum sentence for Standard Range I, Class D offenses is four years. One Class D offender every five years will serve an additional 2.14 years (4.0 years – 1.86 years). The additional cost of increasing the average sentence length by 2.14 years (781.64 days) is \$47,961.43 (\$61.36 x 781.64 days). The annualized cost per offender is \$9,592.29 (0.20 annual number of sentences enhanced x \$47,961.43).

- The average post-conviction time served for a Class C felony is 2.98 years. According to the Matrix, the maximum sentence for Standard Range I, Class C offenses is six years. One Class C offender every five years will serve an additional 3.02 years (6.0 years – 2.98 years). The additional cost of increasing the average sentence length by 3.02 years (1,103.06 days) is \$67,683.76 (\$61.36 x 1,103.06 days). The annualized cost per offender is \$13,536.75 (0.20 annual number of sentences enhanced x \$67,683.76).
- The total additional operating cost is \$26,356.33 (\$3,227.29 + \$9,592.29 + \$13,536.75).
- Any increase in caseloads to state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.
- There will not be a significant fiscal impact to the District Attorney Generals Conference or the District Public Defenders Conference.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/lsc